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TECHNOLOGY TRANSFER SMALL BUSINESS OMBUDS PROGRAM PLAN

This plan will guide the implementation of the Technology Transfer Ombuds Program at the United States Department of Energy (DOE) Ames Laboratory.

1.0 APPROVAL RECORD

- Reviewed by: Training & Documents, QA Coordinator (Molly Granseth)
- Reviewed by: Iowa State University Ombuds Office (Elaine Newell)
- Approved by: Legal Counsel (Barbara Biederman)
- Approved by: Assistant Director for Scientific Planning (Cynthia Jenks)
- Approved by: Associate Director for Sponsored Research Administration (Deb Covey)
- Approved by: Chief Operations Officer (Mark Murphy)
- Approved by: Chief Research Officer (Duane Johnson)
- Approved by: Deputy Director (Tom Lograsso)
- Approved by: Director (Adam Schwartz)

The official approval record for this document is maintained by the Training and Documents Office, 105 TASF.

2.0 REVISION/REVIEW INFORMATION

In accordance with the Ames Laboratory Document Control program, this plan will be reviewed every three years. The revision description for this document is available from and maintained by the author.

3.0 PURPOSE AND SCOPE

3.1. Statement of Applicability

This plan applies to all Ames Laboratory offices and employees who oversee Ames Laboratory Research and Development (R&D) collaborations. These collaborations may include public sector partners, U.S. firms, or concerned individuals.

3.2. Introduction

Over time, some of the parties who participate in a complex collaborative R&D environment may experience uncertainties or questions that they describe as “business concerns”, project-related “ambiguities”, “interpersonal conflicts”, “ethical dilemmas”, “gray areas” and the like. The Ames Laboratory Ombuds Program provides the Laboratory’s R&D partners, as well as those in the broader marketplace, with a confidential, neutral, and independent point of contact to whom they may voice their concerns. The Technology Transfer Ombuds program provides them with a place and a process for resolving disputes. The Ombuds program provides Laboratory R&D partners and others with an alternative to the formal reporting channels established by the Ames Laboratory and the DOE, to address R&D and business-related issues in an informal non-escalating way. The Ames Laboratory Technology Transfer Ombuds is available to all Laboratory R&D partners, including those in the public sector, U.S. firms, Laboratory workforce, and to concerned individuals. The Ombuds can be contacted if an issue concerns Ames Laboratory R&D, R&D collaborations, or wider business matters related to Ames Laboratory R&D.

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3.3. Process Requirements

The mission of the Ames Laboratory Technology Transfer Ombuds program is to provide a place where the Ames Laboratory's small business R&D partners, U.S. firms, and concerned individuals may confidentially voice their concerns and, hopefully, find an effective non-litigious means for resolving these concerns, issues, and/or barriers.

The Technology Transfer Ombuds process aims to improve the hospitality and the responsiveness of the Laboratory to its partners, to other firms and to concerned individuals by providing them with a dedicated partner-focused point-of-contact. It complements existing Laboratory decision-making and problem-solving processes, without seeking to displace or replace them. Upon request, the Ames Laboratory Technology Transfer Ombuds will:

- Serve as an impartial and independent third party with whom partners, firms or individuals may discuss their concerns in confidence.
- Analyze these concerns from several perspectives while setting them in their proper context.
- Focus Laboratory attention both upon the specific issues underlying an inquiry, as well as upon the broader spectrum of such issues.
- Explore the range of existing options available for resolving a partner's, firm's, or individual's concerns, from a position outside of the existing Laboratory hierarchy and formally-established problem-resolution process.
- Seek the resolution of these concerns without claiming ownership of any party's issue(s) or responsibilities.

To accomplish this mission, the Technology Transfer Ombuds will act in a confidential, independent and neutral manner, as an advocate for a fair process and the Ames Laboratory's core values, rather than as the advocate for any specific party. The Technology Transfer Ombuds will NOT serve as an advocate for the Laboratory, for an R&D collaborator, for an outside company, for a concerned individual or for any specific party. While the Technology Transfer Ombuds may assist with a problem-solving process, ultimate ownership of the concern, ownership of the appropriate decision-making process and ownership of the resolution, shall reside with the parties involved.

The Technology Transfer Ombuds shall also have direct access to the information and individuals required to understand or respond to an inquiry. This includes access to Ames Laboratory and M&O Contractor (herein referred to as Iowa State University [ISU]) executives such as the Laboratory's Director, the ISU's administrators, and to the information to which they have access. The Ombuds shall have no power to make, change, or set aside Ames Laboratory or ISU policy, to make, change or implement another office's procedures, or to make, change or implement another office's processes. However, the Ombuds may periodically recommend changes in such policies, procedures, and processes.

The Ames Laboratory Technology Transfer Ombuds shall keep all consultations confidential, except in situations where the Technology Transfer Ombuds perceives an imminent threat of serious harm to individuals or the Laboratory, and shall keep no formal written records. No Ames Laboratory, ISU or DOE employees, at any level, may compel the Ombuds to disclose a confidence. Neither the Ames Laboratory nor ISU nor

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DOE will call upon the Technology Transfer Ombuds to testify upon their behalf in legal proceedings. Furthermore, if an attempt is made to compel a disclosure by means of compulsory legal process, the Ames Laboratory, ISU and the DOE will obtain counsel to oppose such efforts.

There shall be no discrimination, retaliation, interference, harassment, or restraint against any R&D partner, firm, or individual resulting from their consultation with the Technology Transfer Ombuds, or resulting from their expression of the wish to consult the Technology Transfer Ombuds. No R&D partner, firm, or individual shall be subjected to prejudice, discrimination, or retaliation because of inquiries or actions taken by the Ombuds as a result of such consultations.

4.0 ROLES AND RESPONSIBILITIES

4.1. The Laboratory's R&D Partners, Other U.S. Firms or Concerned Individuals

The Ames Laboratory's small business R&D partners, other U.S. firms, or concerned individuals may contact the Technology Transfer Ombuds if:

- They are uncertain about taking their concerns through other, more formal, channels;
- They are not sure who to contact, see, or speak with about their concern;
- Their previous attempts to resolve a concern have not been successful;
- They want to take early and informal action; or
- They need an independent, confidential, neutral resource with access to information and individuals.

Ultimately, R&D partners, U.S. firms, and concerned individuals own their own issues, processes and the ultimate resolution to them. The Technology Transfer Ombuds serves as an additional resource. If R&D partners, U.S. firms and/or concerned individuals do opt to use the services of the Technology Transfer Ombuds, they are expected to work through the Technology Transfer Ombuds process and the existing formal processes that the Technology Transfer Ombuds process may suggest. This course of action will not preclude R&D partners, firms or individuals from pursuing other courses of action, and the Technology Transfer Ombuds process may suggest they do so.

4.2. Technology Transfer Ombuds

Once contacted by any R&D partner, U.S. firm, concerned individual or Laboratory employee, the Technology Transfer Ombuds' role includes:

- Acting as a confidential neutral and independent advocate for fair process and institutional values;
- Working cooperatively with all parties to reach a settlement from a position outside of the established chain of command and institutional structure;
- Seeking to identify problems and the root causes of problems rather than to identify "guilty" parties;
- Facilitating communication among parties, when appropriate, with the understanding that the parties to the conversation own their own issues, processes, and the ultimate resolution of them;
- Identifying any resources needed for immediate problem resolution;
- Providing confidential feedback to Laboratory upper management, without disclosing any specific names, in order to facilitate any necessary change(s) related to specific issues;

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- Identifying observed weaknesses or problems in Ames Laboratory policies or processes;
- Reporting to upper management on issues and trends in collaborative R&D, and on issues and trends in R&D with market consequences which become visible due to Ombuds activities; and
- When the services of the Technology Transfer Ombuds are utilized, the Ombuds will provide appropriate feedback to all Laboratory or ISU decision makers who are involved in collaborative R&D, or R&D with market consequences.

The Ombuds will NOT seek information or take any action on a concern or a complaint, inform others of a problem, or involve other problem resolution organizations in the Laboratory without permission from the partner, company or individual. This permission MUST come from an R&D partner, firm, or individual who has contacted the Ombuds to make an inquiry, identify a problem, or seek a consultation. The only exceptions to this rule will occur in situations:

- Where there is reason to believe that criminal behavior is involved;
- Where human safety, life, or national security are threatened;
- Where there is an imminent threat of serious harm; and/or
- Where no other options are available.

Similarly, the Ombuds will NOT:

- Answer questions about whom they have seen or spoken with in relation to a problem unless one of the above exceptions applies;
- Serve as a witness in internal or external grievance processes; or
- Testify on behalf of the Ames Laboratory, ISU, or the DOE in legal proceedings.
- Replace any existing formal problem-solution procedures;
- Advocate for any single party in a concern expressed to the Ombuds' office;
- Neglect pertinent information because of the office in which it resides or because of the rank of the person who controls access to it;
- Perform formal investigations; or
- Adjudicate problems or arbitrate problem resolutions;

The only exceptions to this rule will occur when the Ombuds:

- Knows of a threat to safety, life, or national security;
- Know of an imminent threat of serious harm; or
- Knows of the commission of a crime.

4.3. The Larger Ames Laboratory/ISU Institutional Environment

To the degree that the Technology Transfer Ombuds requires access to information and records related to a concern or a complaint, those in the larger Ames Laboratory/ISU institutional environment shall provide the Technology Transfer Ombuds access in accordance with this plan. The Ombuds shall observe all disclosure restrictions that are placed on any such records by the organization(s) and organizational officers responsible for them.

5.0 PREREQUISITE ACTIONS AND REQUIREMENTS

The Ames Laboratory Technology Transfer Ombuds shall abide by the International Ombudsman Association's Code of Ethics and Standards of Conduct ("Code of Ethics").

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Pursuant to these, an Ombuds will:

- Listen to concerns,
- Remain impartial to all individuals,
- Keep information confidential,
- Follow up on each request for assistance,
- Provide information on options for resolving concerns,
- Assist individuals and committees in the decision making process,
- Improve communications by providing an alternate communication channel,
- Recommend necessary changes in policies, and
- Provide feedback to management by reporting issues and trends without disclosing names.

Pursuant to the Code of Ethics, an Ombuds will NOT:

- Breach confidentiality,
- Take sides,
- Keep written records,
- Conduct formal investigations,
- Make policy,
- Make formal management decisions to resolve concerns, or
- Take action on a concern without permission.

While the International Code of Ethics does allow Ombuds to resolve non-work related concerns, the Department of Energy has stated that this will not be a role taken on by a Technology Transfer Ombuds.

In accordance with the Code of Ethics, the Ames Laboratory, ISU and DOE agree that no Ames Laboratory, Contractor or DOE employee, at any level, can compel the Technology Transfer Ombuds to disclose a confidence, but there are circumstances in which the Technology Transfer Ombuds may reveal a confidence including an imminent risk of serious harm or a threat of wrongdoing. In addition, there will be no retaliation or discrimination against any party as a result of visiting the Technology Transfer Ombuds. This is important to the institution of the Technology Transfer Ombuds program because it assures the confidentiality and the effectiveness of its:

- Consultations,
- Information gathering,
- Coaching,
- Shuttle diplomacy efforts,
- Consultation in preparation for negotiation, and
- Other like efforts.

6.0 PROGRAM/POLICY/PROCEDURE INFORMATION

Consultations may be on or off-site, in the Technology Transfer Ombuds office, or at another party's designated location. Appointments may be scheduled during work hours or after hours, at any mutually agreed upon time and place. The current point of contact is [Hiliary Burns](#) (4-1376, 105 TASF).